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FILED
2008 MAY 20 AM 8:25
CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY [signature] DEPUTY

NUNC PRO TUNC
MAY 1 5 2008

EVIDENCE

MEMORANdA

GROUNDS

EXHIBIT

II.

MERITORIOUS-CLAIMS

LOGdE NO. 07cv2183-DMS (RBB)

CASE NO. SCE-243538

James H. Cunningham
V-72323
P.O. Box 8101
San Luis Obispo
* Pro Per *

FILE COPY

U.S. District Court Southern District of California

James H. Cunningham (Petitioner)

Vs.

John Marshall (warden)

Lodgment #07CV-2183-DMS(RBB)

CASE NO. SCE243538

Permission: To function under Prison-Law San Quetin
Prison Law Office General Delivery San Quetin, CA 94964
Rosen, Bien & Galvan, LLP: Post Office BOX 390 San Francisco, CA 94104.

To The Honorable Magistrate Ruben B. Brooks.

first an formost Petitioner would like too apologize to the Honorable Courts for any delay or mistanding. Petitioner being Layman bind most in Legal proceedings and proceeds by trial and error. Petitiner will compel belief in his response to opposition and Potenial traverse. An humbly ask, the courts for a 5 to 10 day extension for extenating circumstances.

there are cailms to raise on a stay of abeyance. Asserting one's privilege to cailms mention is Jury voir dire, illegaly odtained evidence, Misappilcation of the Law by counsel, Mental compentence and other issues to formulate my stay of abeyance if granted by the Honorable Court.

STATE OF CALIFORNIA
COUNTY OF SAN LUIS OBISPO

I am the party of the above entitled actions, a citizen of the United States and over the age of eighteen years, and a resident of San Luis Obispo County. My current address is:

California Men's Colony-East
P.O. Box 8101 Room______
San Luis Obispo, CA. 93409-8101

I CERTIFY (OR DECLARE), UNDER PENALTY OF PERJURY, THAT THE FOREGOING IS TRUE AND CORRECT.
EXECUTED ON 5-2, 2008, AT SAN LUIS OBISPO, CALIFORNIA, 93409-8101.

JAMES H. CUNNINGHAM
PETITIONER

....

PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA
COUNTY OF SAN LUIS OBISPO

I AM A RESIDENT OF SAID COUNTY, I AM OVER THE AGE OF EIGHTEEN YEARS AND NOT A PARTY TO THE ABOVE ENTITLED ACTION. MY BUSINESS ADDRESS IS:

CALIFORNIA MEN'S COLONY-EAST
P.O. BOX 8101 / Room______
SAN LUIS OBISPO, CALIFORNIA 93409-8101

ON 5-2, 2008, I SERVED THE WITHIN To the Southern District Court: Clerk, Logment 07-CV-2183 - DMSCRBB
To send copies Logdments *07CV-2183 DMSC(RBB)
CASE NO. SCE243538

ON THE PARTY: U.S. Southern District Court of California

IN SAID ACTION, BY PLACING A TRUE COPY THEREOF IN A SEALED ENVELOPE WITH POSTAGE THEREON PREPAID, IN THE UNITED STATES MAIL, AT CALIFORNIA MEN'S COLONY, SAN LUIS OBISPO, CALIFORNIA, 93409-8101, ADDRESSED AS FOLLOWS:
Permisson: To function under Prison-Law San Quetin
(True above) Prison Law office General Delivery
San Quetin, CA 94964
Rosen, Bien & Galvan, LLP; Post office Box 390 SanFrancisco, CA 94104

I DECLARE, UNDER PENALTY OF PERJURY, THAT THE FOREGOING IS TRUE AND CORRECT.
EXECUTED ON 5-2, 2008, AT SAN LUIS OBISPO COUNTY, CALIFORNIA.

SIGNATURE OF DECLARANT

(REV..6/07)

I, LEVAR EMERSON JONES #T-92176 HAVE BEEN HELPING OUT AS ANOTHER JAILHOUSE LAWYER MR. JAMES HENRY CUNNINGHAM # V-72323 WHO IS SUFFERING FROM A MENTAL DISABILITY AND CANNOT COMPREHEND THE LAW, ITS PROCEDURES, OR ITS RULES.

MR. CUNNINGHAM CANNOT ARTICULATE THE BASIC SPELLING, PUNCTUATION, OR GRAMMAR TO SUCCESSFULLY COMPLETE A TRAVERSE, MOTION, OR ANY OTHER DOCUMENT TO INFORM THE COURTS OF AN ILLEGAL AND UNJUST INCARCERATION.

I, LEVAR EMERSON JONES # T-92176 HAVE BEEN ASSISTING MR. CUNNINGHAM IN PREPARING HIS TRAVERSE AND ANY OTHER DOCUMENT THAT IS NEEDED TO EFFECTIVELY ATTACK THE ILLEGALITY OF HIS CONVICTION.

RESPECTFULLY SUBMITTED,

LeVar E. Jones

LEVAR EMERSON JONES

#T92176